

May 26, 2026

National Freedom of Information Act Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (2310A)
Washington, DC 20460
202-566-1667

SUBMITTED ELECTRONICALLY VIA EPA FOIA PUBLIC ACCESS PORTAL

Re: Freedom of Information Act Request for Records Relating to the Environmental Protection Agency Research Contract with the National Academies on Cumulative Impact Assessment

Dear Freedom of Information Officer:

Environmental Defense Fund (EDF), with Earthjustice and the Environmental and Climate Justice Lab at NYU School of Law, submits this request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the applicable implementing regulations of the U.S. Environmental Protection Agency (EPA), 40 C.F.R. §§ 2.100-2.108 (part 2, subpart A), regarding the EPA Office of Research and Development (ORD) contract with the National Academies of Sciences, Engineering, and Medicine (NASEM) for the project entitled *State-of-the-Science and the Future of Cumulative Impact Assessment* (pin number DELS-BEST-23-04) (NASEM contract), the EPA's decision to end this contract, and all other activities pursuant to the NASEM contract, as further described below.¹

I. THE PUBLIC VALUE OF INFORMATION ON CUMULATIVE IMPACTS

On December 18, 2023, the EPA commissioned NASEM to provide recommendations on the state of the science of cumulative impact (CI) assessments used by EPA and other federal agencies to fulfill their legal responsibilities to protect human health and the environment.

The contract for the report, *State-of-the-Science and the Future of Cumulative Impact Assessment*, reflected growing attention to the need to understand and consider the health and community impacts of multiple sources of pollution and other non-chemical factors in government decision-making.²

¹ See *State of the Science and the Future of Cumulative Impact Assessment*, NAT'L ACADEMIES OF SCIENCES, ENG'G, AND MED. (NASEM), <https://www.nationalacademies.org/projects/DELS-BEST-23-04> ("On November 14, 2025, the Environmental Protection Agency informed the National Academy of Sciences that it should terminate all work on this activity. This activity has ended, and the pre-publication version of the report now available will serve as the final product.") (last visited April 16, 2026).

² Nat'l Academies of Sciences, Eng'g, and Med. (NASEM), *State of the Science and the Future of Cumulative Impact Assessment*, WASHINGTON, DC: THE NATIONAL ACADEMIES PRESS (2025); NAT'L ENV'T JUST. ADVISORY COUNCIL, *Recommendations for Reducing Cumulative and Disproportionate*

To ensure all exposures and effects on health and quality-of-life outcomes are accounted for, EPA has been building CI assessment expertise for over 30 years.³ CI assessments are an important tool for assessing the health – physical and emotional or mental health – and other harms experienced by communities impacted by environmental stressors, including pollution, contamination, exposure to toxic substances, and social inequities. The assessment of impact and risk in isolation can miss or mischaracterize the big picture of adverse consequences on human health and well-being when viewed together. By assessing the totality of exposures and the cumulative effects over the course of life, CI assessments provide a scientific basis to help guide more equitable and effective decision-making to improve public health, well-being, and environmental resilience.

The NASEM contract came after decades in which communities called for EPA to evaluate the science on the cumulative impacts of toxic chemicals, pollution, and related harm, and to identify tools and other actions to assess, reduce, and address such impacts.⁴ As early as 2004, the National Environmental Justice Advisory Council (NEJAC), the federal advisory committee charged with making recommendations to the EPA on issues of environmental justice, called on the Agency to advance consideration of cumulative impacts in “new, innovative, and more effective ways.”⁵ For years, EPA worked to engage scientists, experts, and members of the public on this issue both within the agency and beyond, and then started to make significant progress on evaluating this scientific topic in the early 2020s.

In 2022, EPA defined and recognized cumulative impacts to mean “the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health and quality-of-life outcomes.”⁶ In April 2023, the President issued an executive order recognizing the importance of research and assessment of cumulative impacts as part of understanding and

Impacts and Burdens in Environmental Justice Communities 6 (Oct. 4, 2024), <https://www.epa.gov/system/files/documents/2024-11/nejac-recommendations-for-reducing-cumulative-and-disproportionate-impacts-and-burdens-in-environmental-justice-communities.pdf>.

³ 21 U.S.C. § 346a(b)(2)(D); see U.S. ENV’T PROT. AGENCY (EPA), *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, EPA 315-R-99-002 (May 1999); see also U.S. ENV’T PROT. AGENCY (EPA), *EPA Legal Tools to Advance Environmental Justice: Cumulative Impacts Addendum* (Jan. 2023) <https://www.epa.gov/system/files/documents/2022-12/bh508-Cumulative%20Impacts%20Addendum%20Final%202022-11-28.pdf>.

⁴ See *Interim Framework for Advancing Consideration of Cumulative Impacts* 9, U.S. Env’t Prot. Agency (Nov. 2024), <https://www.epa.gov/system/files/documents/2024-11/epa-interim-cumulative-impacts-framework-november-2024.pdf>.

⁵ Nat’l Environmental Justice Advisory Council (NEJAC), *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* 3, WASHINGTON, DC: EPA (2004).

⁶ U.S. ENV’T PROT. AGENCY (EPA), *Cumulative impacts: Research Recommendations for EPA’s Office of Research and Development*, EPA 600/R-22/014a (Sep. 2022) <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1015QRZ.txt>.

advancing environmental justice.⁷ The need for robust CI assessment methodology led the EPA to commission the report at issue.

In December 2023, EPA entered into the NASEM contract to provide an up-to-date, independent source of scientific information and recommendations on this topic for EPA.⁸ In 2024, EPA released the *Interim Framework for Advancing Consideration of Cumulative Impacts* for public comment while awaiting the NASEM report and recommendations, which it anticipated would be a “foundational report” that would “bolster analysis and consideration of cumulative impacts in the Agency processes for years to come.”⁹

The development of the *State of the Science* started in July 2024 with the first public meeting to discuss fundamental concepts and methods pertinent to CI assessments.¹⁰ Over the course of six months, the NASEM committee held six workshops with more than 100 individuals across the country. At these sessions, participants from academic and non-governmental research organizations, non-governmental organizations, and government agencies discussed fundamental concepts and methods pertinent to CI assessments.

From the start of its work, the committee engaged with community and Tribal liaisons from across the country to help design and implement their public engagements.¹¹ The committee facilitated productive conversations on health and environmental harms to ensure that lived experiences and local history and knowledge, including on ongoing impacts across generations, were captured through research and dialogue. The process included an in-person session in Louisiana and an in-person Tribal engagement in Colorado, both grounded in the principle that community input and knowledge are valuable and important for conducting CI assessments. In addition to the expertise of community members, the report is informed by data curated from academia, government agencies, and nonprofit institutions.

Based on synthesized workshop data, as well as elements from prior recommendations of the National Academies, NASEM produced a report on CI assessment.¹² This scientific report included components and information to bridge the gap between abstract assessments and the

⁷ Exec. Order No. 14096, 88 Fed. Reg. 25251 (2023) (sec. 2(b) defining “environmental justice” as including consideration of cumulative impacts).

⁸ *Award Profile Contract Summary: State-of-the-Science and the Future of Cumulative Impact Assessment*, USASPENDING.GOV https://www.usaspending.gov/award/CONT_AWD_68HERC24F0085_6800_68HERC19D0011_6800 (last visited Apr. 15, 2026).

⁹ *Interim Framework*, *supra* note 4, at 28.

¹⁰ NASEM, *supra* note 2, at 2.

¹¹ *State-of-the-Science and the Future of Cumulative Impact Assessment*, app. B, 131–40, National Academies of Sciences, Engineering, and Medicine (last visited April 16, 2026) <https://www.nationalacademies.org/projects/DELS-BEST-23-04> (listing community liaisons, including P. Grace Tee Lewis).

¹² *Id.* at 2.

lived reality of environmental harms, as well as to foster application of a CI framework at community, state, Tribal, and national levels.

However, on November 14, 2025, NASEM's work was abruptly halted without any public input or any explanation. The EPA directed NASEM to terminate all activity, leaving the project in a "pre-publication" state. While a pre-publication version of the report is available online, the directive to cease work cancelled all remaining activities under the contract. This is believed to have prevented, for example, essential actions, both internal and external, by NASEM and EPA, to clarify, update as needed, and disseminate the findings, along with other related informational material. This cancellation prevented any further expenditures by NASEM, such as for staffing, coordination, and resources for NASEM to publicize the report, engage with and respond to questions from the public, and provide clarification to federal agencies and other stakeholders.¹³ NASEM was also unable to expend resources under the contract to engage in communication and other programmatic follow-up with EPA and other federal agencies, which is general practice upon completion of such reports. This engagement typically includes one or more meetings with agency leadership and/or staff to review and clarify recommendations, facilitating the translation of recommendations into action.

The cancelled activities also are believed to have involved additional communication and engagement with community liaisons and communities experiencing cumulative impacts that participated in in-person sessions to discuss and, potentially, seek input and questions on the findings. The loss of the opportunity to report back, a process recognizing the importance of the contributions of frontline advocates, denies community liaisons and the public the full benefit of this project. Failing to complete this kind of communication and follow-up with research participants is confusing and disappointing for the many who participated in this project. EDF seeks the requested records to understand why a multi-year scientific and community endeavor of such high public importance was abruptly terminated.

II. REQUESTED RECORDS

A. The Request

EDF requests all records created from January 20, 2025, to the present regarding the following:

1. The NASEM contract (including any communication regarding or any activities, records, or material produced pursuant to this contract, funds disbursed or the disposition of funds not yet disbursed pursuant to the contract, and any records relating to EPA's cancellation or termination of this contract);

¹³ The full extent of the loss of additional activities, public informational materials and sessions, and integration of input from community liaisons and the public is not known. More information may be revealed in the records sought through this request.

AND

2. This request includes, but is not limited to, any records held by EPA where a Boolean search is possible (including, but not limited to, emails); that contain at least one search word in subsection (a) below AND at least one search word in subsection (b) in the title, body, main text, and/or any attachment (whether capitalized or not):
 - a. “National Academies of Sciences, Engineering, and Medicine”; “National Academies”; “National Academy”; “NAS”; “NASEM”
 - b. “State-of-the-Science”; “SOS”; “Cumulative Impact”; “CI”; “CIA”; “DELS-BEST-23-04”; “68HERC24F0085”; “consensus report”; “workshop!”; “recommendation!”.¹⁴

B. Definition of “Records”

The term “records” means all materials in whatever form (handwritten, typed, electronic or otherwise produced, reproduced, or stored) including, but not limited to, letters, memoranda, correspondence, electronic messages sent or received on government or personal computers, phones, and any other devices (including emails, text messages, iMessages, messages, or any documents or records sent on messaging platforms such as Signal, Slack, Google Chat, Google Talk or Google Hangouts, Lync, Skype, X direct messages, Facebook messages, WhatsApp, GroupMe, Telegram, or Parler, along with any chats or transcripts of MS Teams, Zoom, GoogleMeet, or other similar audio or video communications platforms), notes, applications, completed forms, studies, reports, reviews, guidance documents, policies, notes of telephone conversations, telefaxes, internet chat logs, documents, databases, drawings, graphs, charts, photographs, calendar entries, meeting invites, meeting minutes, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. Without limitation, “records” includes records relating to the topics described in this request at any stage of development, whether proposed, draft, pending, interim, final, embargoed, or otherwise.

All of the foregoing are included in this request if they are or were in the possession of or otherwise under the control of the EPA or any of its offices nationwide, including responsive records in or on the personal systems, cloud, server, computers, cellphones, or other devices, or personal email accounts used by any federal employee or official if used for any governmental purpose. “Records” includes materials that have been deleted but remain recoverable in any way. We also request all files attached to the emails or other correspondence records that are identified in the records search detailed above and copies of any files obtained via downloadable links within the body of such emails or other correspondence.

C. Record Delivery and Format

¹⁴ The exclamation mark is used here to include a request to search for the root word or term along with all words that can be created by adding a letter to the end of that root word (for example, “terminat!” includes: terminate, terminates, terminated, termination, terminating). If a different method is used for that type of search in your document management system, please use whatever method will ensure you find both the root and extensions of the root.

We appreciate a prompt determination on the requested records, and within 20 days, as required by 5 U.S.C. § 552(a)(6)(A)(i) and 40 C.F.R. § 2.104(a)(1).

Under FOIA, you are obligated to provide records in the format requested if the record is readily reproducible by the agency in that format.¹⁵ We request that you send the records in a readily accessible electronic format, and individual documents in native, searchable, and analyzable electronic format wherever possible. For electronic productions, please provide the records with all associated metadata and include standard Concordance-format or CSV load file (such as .dat or .csv) wherever possible.

Please email copies of all requested records as soon as they become available to you, on a rolling basis, to Emma Cheuse, echeuse@earthjustice.org, Randall Wilder, kwilder@earthjustice.org, and Marianne Engelman-Lado, marianne.engelman.lado@nyu.edu. If you are unable to deliver any documents through electronic means, please deliver the documents to:

Emma Cheuse
Attn: NASEM EDF FOIA
Earthjustice
1400 L Street NW
Lobby 2, Unit 34117
Washington, DC 20005

At no point should the search for or deliberation concerning certain records delay the production of others that the agency has already retrieved and elected to produce.

If EPA concludes that any of the records here are publicly available, please email us an index of those documents, including each document's full ID number and a specific full web link to each document.

D. Withheld Information or Exempt Records

If EPA withholds any requested information pursuant to 5 U.S.C. § 552(a)(8)(A), we ask for the following information:

1. An index or log of withheld documents containing a description about each withheld document (including type, originator/sender and recipient, date, length, general subject matter, and location); and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld, and a full explanation of how each withheld material fits within the exemption.

If EPA determines that portions of the records requested are exempt from disclosure, it must provide specific information about the exempt portion of a record, including "[t]he amount

¹⁵ See, e.g., 5 U.S.C. § 552(a)(3)(B).

of information deleted, and the exemption under which the deletion is made.”¹⁶ EPA must provide any “reasonably segregable portion” of a record after redacting portions that EPA claims are exempt and deliver the non-exempt portions of such records.¹⁷

E. Duty to Preserve Records

EPA must preserve all records requested herein while this FOIA is pending or under appeal.¹⁸ Accordingly, please immediately advise custodians of potentially responsive records that the above records have been requested under FOIA and therefore may not be destroyed.

III. FEE WAIVER REQUEST

We respectfully request that you waive all fees in connection with this request, as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(n). As explained below, this FOIA request satisfies the requirements for a fee waiver under the FOIA statute and EPA’s implementing regulations. EPA must grant a fee waiver if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester.”¹⁹

To determine whether disclosure of requested information is “[l]ikely to contribute significantly to public understanding of the operations or activities of the government,”²⁰ EPA considers four factors: (1) “[w]hether the subject of the requested records concerns . . . identifiable operations or activities of the Federal government, with a connection that is direct and clear, not remote”; (2) the “informative value of the information to be disclosed”; (3) whether disclosure of the requested records would “contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the Requester”; and (4) the “significance of the contribution to public understanding.”²¹ Additionally, to determine whether the request “is not primarily in the commercial interest of the Requester,”²² EPA considers two factors: (1) the “existence and magnitude of a commercial interest,” and (2) the “primary interest in disclosure.”²³ As described below, this request fulfills all prongs of the test.

A. The subject of the request concerns “the operations or activities of the government.” 40 C.F.R. § 2.107(n)(5)(i).

As discussed in Part I, above, the requested records concern the operations and activities of the federal government—particularly, EPA’s funding of and plans and actions regarding a NASEM report and contract on a scientific matter, cumulative impact assessment, which is of

¹⁶ *Id.* § 552(b)(9).

¹⁷ *Id.*

¹⁸ *See* 40 C.F.R. § 2.106; *Chambers v. U.S. Dep’t of Interior*, 568 F.3d 998, 1004 (D.C. Cir. 2009) (“[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under FOIA or the Privacy Act.”).

¹⁹ 5 U.S.C. § 552(a)(4)(A)(iii); *see* 40 C.F.R. § 2.107(n)(4).

²⁰ 40 C.F.R. § 2.107(n)(4)(i).

²¹ *Id.* § 2.107(n)(5).

²² *Id.* § 2.107(n)(4)(ii).

²³ *Id.* § 2.107(n)(6).

central importance to people around the country who face multiple types, sources, and pathways of exposure to pollution and toxic chemicals along with other stressors affecting their health and well-being. The subject of this request is a federal government agency (EPA) decision to end a federal government-directed, funded, and contracted study and all related activities under the contract with an independent scientific body, the NASEM, to inform the activities of the federal government on a topic of importance across broad areas of EPA’s work.

The NASEM contract is a government contract that by definition concerns “identifiable operations or activities of the Federal government.”²⁴ Due to the importance of the subject matter of this contract and the resulting “foundational report” that was intended to inform and advance the work and activities of EPA, including ORD, on cumulative impacts, the communication and activities related to this contract and its cancellation plainly meet this test.²⁵

B. Disclosure of the requested records will be “meaningfully informative” and “likely to contribute” to an increased public understanding” of government operations or activities. 40 C.F.R. § 2.107(n)(5)(ii).

There is strong public interest in accessing information related to cumulative impacts assessment generally and, specifically, the NASEM contract and report, as discussed in Part I, above. Disclosure of the requested records will allow EDF to convey information to its members, community-based partners, and the public, including other community liaisons who participated formally in the NASEM report development, about the government’s efforts to perform research on cumulative impacts, to learn from an independent scientific body (NASEM), to manage a government contract that was ended abruptly without advance notice or completion of its full term, and on the decision to end that contract. Once the requested records are made available, EDF intends to analyze them and present its findings in a manner that will meaningfully enhance the public’s understanding of EPA’s actions and activities. EDF expected additional activities under the contract, as discussed in Part I. For example, EDF anticipated that the report would likely be discussed by NASEM with community liaisons and other members of the public who contributed to the development of the report, including at in-person convenings in Louisiana and Colorado. Without the requested information, EDF cannot explain to its community-based partners why additional information and engagement are not being provided by NASEM in the manner anticipated. The documents requested will thus, after production to EDF, be “meaningfully informative” and “likely to contribute” to an understanding of EPA’s operations and the implications for people and communities around the country.²⁶

To EDF’s knowledge, the requested records are not otherwise in the public domain and are not accessible other than through a FOIA request.²⁷ The only public information regarding the cancellation of the contract of which EDF is aware is a two-sentence statement of NASEM, stating:

On November 14, 2025, the Environmental Protection Agency informed the National Academy of Sciences that it should terminate all work on this activity. This activity has

²⁴ 40 C.F.R. § 2.107(n)(5)(i).

²⁵ See NASEM, *supra* note 2; *Interim Framework*, *supra* note 4.

²⁶ 40 C.F.R. § 2.107(n)(5)(ii).

²⁷ See *id.*

ended, and the pre-publication version of the report now available will serve as the final product.²⁸

To EDF's knowledge, EPA has provided no information to the public about the cancellation of the contract, the remaining work or activities that will now not be completed, or the reasons for the contract's abrupt cancellation.

C. Disclosure of the requested records would “contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the Requester.” 40 C.F.R. § 2.107(n)(5)(iii).

EDF has the “expertise in the subject area and [the] ability and intention to effectively convey information to the public,” and to do so in a manner that contributes to the understanding of a “reasonably broad audience of persons interested in the subject.”²⁹ EDF has long worked to research and bring to EPA’s attention the need to fully understand and address cumulative impacts. EDF intended to build on this work by disseminating the NASEM report to the public.

EDF is uniquely positioned to share this information. An EDF staff member, P. Grace Tee Lewis, served as a volunteer NASEM Community Liaison and participated virtually in the Louisiana convening on December 12, 2024, where the committee discussed a follow-up engagement session as an integral part of the project’s completion.³⁰ EDF had been anticipating a coordinated effort to discuss the report and its findings, and seek questions and any clarification input, with Louisiana participants, as well as the Colorado participants.

EDF has a regular practice of sharing information about cumulative impacts, pollution, and health concerns with the public, as it routinely issues press releases, action alerts, reports, analyses, and other public outreach materials that feature in the reporting of media outlets at the local and national levels.³¹ EDF has the expertise and ability needed to present the records to the

²⁸ See *State of the Science*, *supra* note 1.

²⁹ 40 C.F.R. § 2.107(n)(5)(iii).

³⁰ Note Ms. Lewis was one of two EDF staff members who served as a volunteer NASEM Community Liaison. See NASEM, *supra* note 2, at pp. ix-x. (listing community liaisons, including P. Grace Tee Lewis and Dionea Delli-Gatti from the EDFd).

³¹ See, e.g., Lisa Friedman, *Environmental Groups Sue Over D.O.E. Report Downplaying Climate Change*, N.Y. TIMES (Aug. 15, 2025), <https://www.nytimes.com/2025/08/15/climate/lawsuit-climate-change-report.html> (quoting Vickie Patton, General Counsel for EDF, and citing FOIA documents obtained by EDF); Maydeen Merino, *EPA move to end reporting rules for major polluters raises oversight concerns*, WASHINGTON EXAMINER (Sept. 15, 2025), <https://www.washingtonexaminer.com/policy/energy-and-environment/3807628/epa-reporting-rules-major-polluters-oversight/> (quoting a press release from Edwin LaMair, Attorney for EDF); Maxine Joselow, *Oil companies face a new fine for methane. Trump could scrap it.*, WASHINGTON POST (Nov. 12, 2024), <https://www.washingtonpost.com/climate-environment/2024/11/12/methane-fee-epa-cop29/> (quoting Mark Brownstein, Senior VP of Energy for EDF); Niko Kommenda, *See how the Inflation Reduction Act is affecting your community*, WASHINGTON POST (Oct. 28, 2024), <https://www.washingtonpost.com/climate-environment/interactive/2024/climate-bill-biden-clean-energy/>

public in a manner that clearly conveys their value, and EDF fully intends to disseminate information received in response to this request that is informative, newsworthy, or otherwise of value to the public.

D. Disclosure of the requested records would enhance the “public’s understanding of the subject in question . . . to a significant extent.” 40 C.F.R. § 2.107(n)(5)(iv).

In addition to the benefits of the records’ release that are described above, the records requested would allow EDF to disclose and explain to the public the facts and implications of EPA’s decision to cancel the NASEM contract and the information and potential consequences the public will lose because of that decision. Accordingly, the records requested will significantly contribute to the public understanding of governmental operations and activities. Because the requested information is not currently available to the public, disclosure will “enhance” the “public’s understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure.”³²

E. Disclosure of the records is not in EDF's commercial interest as defined in 40 C.F.R. § 2.107(n)(6)(i).

Pursuant to 40 C.F.R. § 2.107(n)(6)(i), EDF is a non-partisan, non-profit organization that seeks information to serve the public interest. EDF does not seek information for any commercial purpose and the records received will contribute to a greater public understanding of federal government activities that are of considerable public interest. FOIA “is to be liberally construed in favor of waivers for noncommercial Requesters.”³³

F. Disclosure of the records is not in EDF's commercial interest as defined in 40 C.F.R. § 2.107(n)(6)(ii).

40 C.F.R. § 2.107(n)(6)(ii) is not applicable to the present request. Under 40 C.F.R. § 2.107(n)(6)(ii), even if a de minimis commercial interest were identified, which it has not been here, the primary interest in disclosure would be in the public’s interest. The magnitude of the public interest in understanding the termination of a multi-year, community-driven scientific endeavor is substantial. EDF’s intent is to provide the public with access to the records discussing and, if available, explaining this government action. The consequences of this action for communities involved in the study substantially outweigh that any theoretical commercial gain.

(quoting Joanna Slaney, Associate VP of Government Affairs for EDF); David Gelles, *Confronting Our New Reality*, N.Y. TIMES (Sept. 25, 2024), <https://www.nytimes.com/2024/09/25/climate/climate-change-environment-planet.html> (quoting Fred Krupp, President of EDF).

³² *Id.* § 2.107(n)(5)(iv); see *Fed. CURE v. Lappin*, 602 F. Supp. 2d 197, 205 (D.D.C. 2009).

³³ *Citizens for Responsibility & Ethics in Washington v. U.S. Dep’t of Health & Human Servs.*, 481 F. Supp. 2d 99, 106 (D.D.C. 2006) (quoting *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987)).

For the foregoing reasons, EDF respectfully requests that EPA waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). If your agency denies a fee waiver, please send a written explanation for the denial. Please do not incur expenses beyond \$250 without first contacting EDF for explicit authorization.

We look forward to a timely receipt of the requested records and an estimated date upon which you will complete action on this FOIA request, pursuant to 5 U.S.C. § 552(a)(7)(B). Please do not hesitate to contact us by email to clarify the request or to otherwise expedite and assist your efforts to process and respond to this request. EDF requests that EPA communicate with the Earthjustice and NYU lab staff listed herein as authorized representatives of EDF for the purpose of processing this FOIA. Thank you for your assistance in this matter.

*Submitted electronically on behalf of the
Environmental Defense Fund by:*



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